

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

Ethan Radvansky, <i>on behalf of himself and</i>	)	Case No.: 3:23-cv-00214-TCB
<i>others similarly situated,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Kendo Holdings, Inc., d/b/a Fenty Beauty,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT  
OF HIS RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

1. On August 4, 2025, Kendo Holdings, Inc., d/b/a Fenty Beauty (“Defendant”) filed its memorandum in support of its motion for judgment on the pleadings, through which it contended that the Telephone Consumer Protection Act (“TCPA”) at “227(c) applies only to ‘calls’ and not text messages,” and that the TCPA “does not define telephone ‘call’ to include text messages.” ECF No. 43-1 at 14.

2. On September 18, 2025, Ethan Radvansky (“Plaintiff”) filed his response in opposition to Defendant’s motion for judgment on the pleadings, through which he argued that the TCPA at 47 U.S.C. § 227(c) applies to text messages, and that a text message qualifies as a call under the TCPA. *See* ECF No. 46 at 19-24.

3. On September 19, 2025—following the Supreme Court’s decision in *McLaughlin Chiropractic Assocs., Inc. v. McKesson Corp.*, 606 U.S. 146 (2025), and after Plaintiff submitted his response in opposition to Defendant’s motion for judgment on the pleadings—the United States District Court for the Southern District of Florida stated that “a text message constitutes a ‘call’ under the TCPA[.]” *Bosley v. A Bradley Hosp. LLC*, No. 25-CV-22336, 2025 WL 2686984, at \*5 (S.D. Fla. Sept. 19, 2025) (collecting cases).

4. Plaintiff therefore submits the Southern District of Florida’s decision in *Bosley* as supplemental authority in support of his response in opposition to Defendant’s motion for judgment on the pleadings.

Date: September 25, 2025

/s/ Aaron D. Radbil

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